

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133173/FH/2022
Date registered valid: 7 April 2022
Proposal: Retention of single storey rear extension
Address: 5 Scargill Close, Manchester, M14 6ER
Ward(s): Fallowfield Ward
Applicant: Mr J Henry, Airshack Ltd, 5 Scargill Close, Manchester, M14 6ER
Agent (if any): Stephen Lamb, Steve Lamb, 11 Princes Road, Stockport, SK4 3NQ
Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 30 May 2022



Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 05.05.2022

Standard consultations:

Printed: 13 April 2022 Expired: 4 May 2022

Neighbour notifications

Printed: 13 April 2022 Expired: 4 May 2022

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site is a late C19 mid-terraced dwelling house situated on the south side of Scargill Close in the Fallowfield ward. The yellow brick property has a garden and off-road parking at the front with the rear garden area mainly covered by the single storey extension.

The extension has been erected without the benefit of planning permission, receiving the attention of a Planning Compliance complaint (Ref: ENF/15293/21). The application form notes that the work commenced on the extension on the 01.11.2020 and was completed on the 01.03.2021. It has the following dimensions:

Height = 3.25m

Width = 7.13m

Depth = 3.74m

It is constructed of yellow brick with a monopitch sloping roof covered in grey tile to match the existing with 3no. skylights.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site lies within a residential area comprising of a small Radburn-type estate located off Redmere Grove to the north. The estate is set within the wider context bounded by Wilmslow Road to the east, Wellington Road to the west, Wilbraham Road to the north and Sherwood Street to the south.

At the rear of the site is a landscaped area comprising of raised stoned edged beds with mature trees.

Description of development

Retention of single storey rear extension.

Consultations & Notification Responses

A total of 7 no. neighbouring occupiers and a resident's association were notified of the application. The following comments were received.

Objection 1

I strongly urge Manchester City Council to force Mr Henry to demolish this illegally built single storey rear extension which almost fills what was once a small garden in this property. The property having already been used as student accommodation is currently used as an Airbnb property in an area which comprises predominantly housing association properties. The composition of residents in this One Manchester housing association development is mixed i.e. families, elderly residents, residents with mobility disabilities. The configuration of this housing association development is very dense and very cheek by jowl and the illegal erection of this single storey rear extension is far too overpowering and intimidating. The number of 'guests' at this Airbnb and their accompanying vehicles coming into this area, which already has very limited parking, adds to the deterioration of quality of life for local residents. It is a very diverse, predominantly quiet family development. 5 Scargill Close already has the reputation of being a 'party' house. Why should local residents, just because they are financially challenged in many respects, have to tolerate living with this commercial enterprise.

I really implore Manchester City Council to enforce a demolition order on 5 Scargill Close, Fallowfield and make Mr Henry to make good and reinstate this property as a family house., which is what it was originally intended to be.

Fallowfield Community Guardians

I write on behalf of Fallowfield & Withington Community Guardians. We wish to object to the retention of the single storey rear extension at 5 Scargill Close.

Firstly, we are concerned that the appropriate planning permission was not requested and that the extension was built without the correct planning permission in place.

We are also very concerned that the extension is obtrusive and very large in size and overshadows the neighbouring properties as shown in the attached photograph. In particular, we feel that the closeness of the extension to the window at number 7 will affect the view from that window and lessen the amount of sunshine that they could expect. The Sherwood Estate is a social housing estate meant for families. We feel that this large extension will prevent future use by families due to the loss of amenity space because there is now no room for children to play, room for pets, a garden shed or for secure family bicycle storage.

We are also concerned that this former family house is being let on airbnb for up to 12 guests. (<https://www.airbnb.co.uk/rooms/48324592>). Guests in airbnbs often come to Fallowfield for the party scene and all the comings and goings of groups can be very disturbing for the neighbours, many of whom are families, elderly and vulnerable residents. The large extension at this address has been used to maximise the intensity of the occupancy and this is distressing for neighbours in terms of noisy comings and goings, excess parking and creates an unsettled neighbourhood for the families that live there.

We consider this extension to be too bulky and it looks out of place. It has led to the loss of important amenity space and causes overshadowing for the neighbours.

We urge you to refuse this application in line with policy SP1 to create sustainable neighbourhoods of choice.

Policy

Saved UDP policy DC1 – Residential Extensions
Core Strategy policy DM1 – Development Management

Issues

As noted above, the extension in situ has been erected without the benefit of planning permission. The Council must therefore come to a judgement as to the impacts on residential and visual amenity, bearing in mind the parameters for similar development which can be erected under the current planning regulatory framework.

Residential amenity

The extension is sited across the rear elevation having a width of 7.13 metres, height to apex of 3.25 metres and depth of 3.74 metres. It is orientated south which means that there will be some shading of each neighbouring property. There are 3no. properties in the terrace with the site being situated in the middle. No.3 to the east has the original single storey rear store on the boundary with the site. This is 2.2 metres in length and 1.42 metres wide with a flat roof. There is a window alongside this store which is unlikely to be overshadowed by the extension given the intervening store structure.

In considering the impacts on No.7 to the west, this property has its store on the opposite boundary, with a window on the boundary with the site. This window will be subject to some shading in the early morning as the orientation is south, so will not experience any significant shading from mid-morning onwards.

Historic aerial photograph data shows that prior to the extension being erected, the original store together with the intervening hedging resulted in a similar level of shading over No.7 in the early morning:



image: Google Earth, March 2016

And that for much of the afternoon, there is no shading impact:

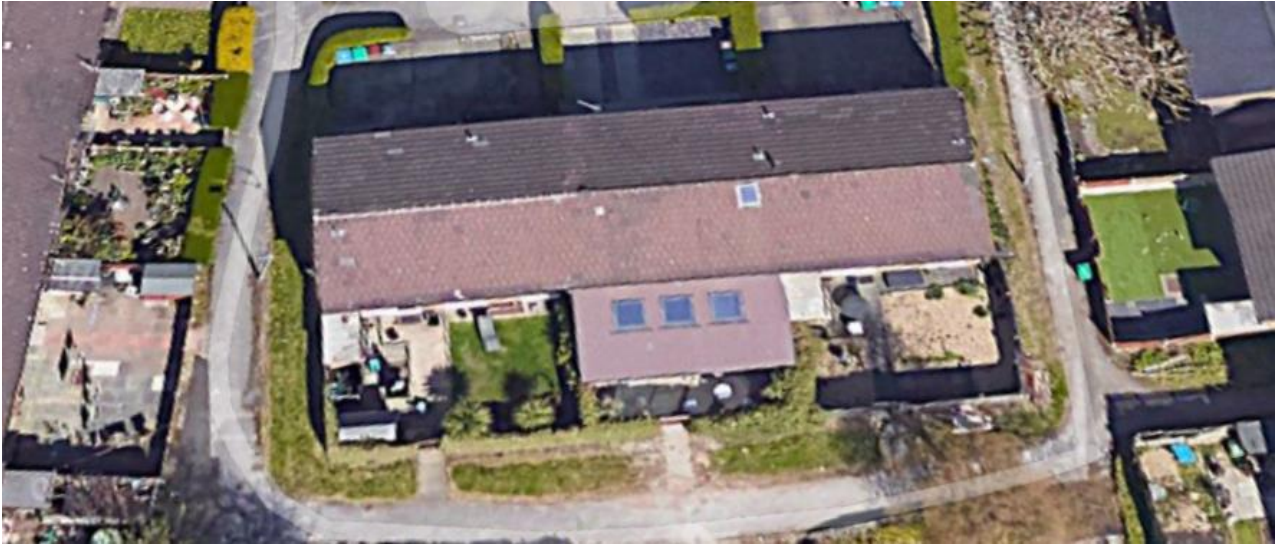


Image: Google Earth, March 2021

Visual amenity

Visually, the roof of the extension is prominent over the rear boundary fence, largely as a result of the extension spanning the 7.7 metre width of this house type. It is noted that the rear of the site faces onto a pedestrianised landscaped area that includes shrubs and mature trees, some planted in raised beds. The nearest dwellings which have a direct view facing the site are 25 metres away (Nos.25 and 27 Sherwood Street), a distance which lessens any overbearing impacts.



The intervening landscaping helps to soften the impact of the extension and includes the hedging on the rear boundary.

The Council has considered the surrounding character and context taking into account other extensions locally which have established a precedent. There are 2no. on Redmere Grove, at

Nos.26 and 36, the latter being similar in height, width and depth to the application site, and a smaller extension spanning the full width at No.21 Boland Drive:



Image: Google Earth, April 2021

On the basis of the above, the extension is considered to have acceptable impacts on residential and visual amenity. As such, there is no conflict with saved UDP policies DC1.1a, DC1.1b, DC1.1c and DC1.2a, DC1.2b and DC1.2c and Core Strategy policy DM1.

Other matters

The current planning regulatory framework permits single storey rear extensions on terraced houses up to 6 metres in length under a Prior Approval process. The criterion for meeting the test is found within The Town and Country Planning (General Permitted Development) Order (2015) - Schedule 2, Part 1, Class A. This establishes that single storey rear extensions cannot be more than 4 metres in height and cannot cover more than 50% of the curtilage around the site. A neighbour notification process must be carried out with those sharing a boundary with the site and must not receive no objections from them.

In considering the proposal on these grounds, the physical parameters have been met. The total curtilage (front + rear gardens) = 87m^2 (Front curtilage = 44.18m^2 / Rear curtilage = 42.82m^2) and the extension has an area of 26.67m^2 which is less than 50% of the curtilage. Furthermore, although objections have been received, these were not from neighbours living on either side of the site. Had permission been sought prior to the extension being erected and via the Prior Approval route, the development would be Permitted Development by virtue of the above legislative framework.

Concerns have been raised by objectors with regards to the use of the site for short-term lets on an Air BnB basis and the resultant impacts due to comings and goings on neighbouring occupiers, together with a perceived change in the character of the residential neighbourhood. Objectors also point to the high number of HMO's in the local area which reflects the large student population who occupy this area of Fallowfield.

The Council shares those concerns but has not been issued with guidance above national legislation on the operation of Air BnB's from private dwellings. Until such guidance is issued, national legislation guiding their use in relation to private dwellings applies. A C3(a) use only condition cannot be applied in this instance as the development relates to an extension to an existing C3(a) dwelling house and not a change of use.

Finally, concerns have been raised that the extension has been built without the benefit of planning permission and that the Council should enforce its removal on this basis. Section 73A(1) and (2)(a) of the Town and Country Planning Act 1990 makes provision for applications to be submitted for development that has been carried out without planning permission. As such, the Council must consider such applications as part of enacting its statutory duty and cannot seek removal of development without a case for significant harm having been established.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to the conditions below and for the reasons outlined in the delegated report. The application was notified by letter to 7no. neighbouring occupiers and a local residents' association. Comments were received in objection to retention of the extension as set out in the delegated report and were evaluated against the above planning policy framework.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development hereby approved shall be carried out in accordance with the following drawings and documents received on the 10th of March 2022 or as stated:

Application Form

Location Plan

Existing & Proposed Plans and Elevations 2242 / 22/ 01 and 2242 / 22/ 02 received on the 7th of April 2022

Planning Statement provided by Stephen Lamb dated 7th March 2022

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to policy DM1 of the adopted Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

South East Fallowfield Residents Association

16 Redmere Grove, Manchester, M14 6ES
25 Selside Walk, Manchester, M14 6DU
18 Redmere Grove, Manchester, M14 6ES
29 Selside Walk, Manchester, M14 6DU
27 Selside Walk, Manchester, M14 6DU
7 Scargill Close, Manchester, M14 6ER
3 Scargill Close, Manchester, M14 6ER

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH